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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|------------------------------|------------------|
| 10/713,441 | 11/14/2003 | Elliot N. Linzer | 03-1918 1496.00351 | 9611 |
| 24319 | 7590 | 10/19/2007 | | |
| LSI CORPORATION 1621 BARBER LANE MS: D-106 MILPITAS, CA 95035 | | | EXAMINER KRASNIC, BERNARD | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2624 | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|---|-------------------------------|-----------------------------------|--|
| Advisory Action Before the Filing of an Appeal Brief | Application No. 10/713,441 | Applicant(s) LINZER, ELLIOT N. | |
| | Examiner Bernard Krasnic | Art Unit 2624 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 09 October 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL -324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-21.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s) _____.
13. ☐ Other: _____.

JINGGE WU
SUPERVISORY PATENT EXAMINER

Continuation of 3. NOTE: The independent claims 1, 10, 16, and 20 include the amended limitation "one video signal" [the amendment changed the limitation from "a video signal" to "one video signal"] respectively which raises new issues that would require further search and consideration because the Applicant is clearly arguing the amended limitation of "one video signal" against the prior art in page 14 of the Amendment After Final filed on 10/09/2007. So for clarification once again, this amendment is narrowing the scope of the claim limitation under which the Applicant uses to argue, and therefore the Examiner will not enter the amendment filed after a final rejection because it would require a further search and consideration because of the new issues that are raised.

The Examiner will also briefly explore the Applicants arguments to clarify the Examiner's Final Office Action filed on 8/06/2007 and show how the prior art does teach the claimed limitations. The Applicant on page 10 of the Amendment After Final states respectively that the Applicant's specification supports the "size and position" of the active region because one of ordinary skill in the art could calculate size and position based on the different parameters T, B, L, R. The Examiner agrees with this assumption that one of ordinary skill in the art would realize such a conclusion given the certain specific parameter information. The Applicant on page 13 of the Amendment After Final states respectively that Linzer doesn't teach generating multiple parameters. However the Examiner disagrees because as stated in the Examiner's Final Office Action, Linzer does teach establishing the four parameters T, B, L, R [see Linzer, col. 3, lines 14-17, also see the discussions raised for claim 3 which Linzer teaches]. Also, just as the applicant mentioned before, since these four parameters are taught by the prior art, it would have been obvious to one of ordinary skill in the art to find the size and position of the active regions with the use of these parameters. Lumelsky was used just to support Linzer in showing that such first and second transition regions are common in this art to one of ordinary skill in the art. The Applicant on page 14 of the Amendment After Final states respectively that Vogel does not teach "one video signal". However the Examiner disagrees because Vogel does teach one single video signal, Vogel just represents it by two inputs in figure 3 because there is a time delay of this single video signal so adjacent frames of one single video signal could be compared to indicate if a commercial is present or if a program video type is still present in that one single video signal as discussed in the Examiner's Final Office Action. The Applicant in page 15 of the Amendment After Final states respectively that a signal indicator is not taught by the prior art. However the Examiner disagrees because Vogel teaches a comparison between frames which result in either same or not same which identifies a commercial or a program which is a first video type and second video type of identification. Vogel is stating one video where one receiver receives a time delayed version and therefore one receiver is analyzing frame one of one single video while the other receiver is analyzing the adjacent frame due to the time delay to identify if a commercial is present at that instance or if a program is still playing for that segment. This is respectively similar for the other independent claims. In response to the non-analogous art argument raised by the Applicant, the Examiner once again refers to the Examiner's Final Office Action where the Examiner has already showed why the prior art references are analogous to each other.